

PRODUCT: 57 pint bottles of *Pyo-Gon Iodophenols* at Salt Lake City, Utah.

LABEL, IN PART: (Bottle) "Pyo-Gon Iodophenols No Free Phenol or Iodine, Analgesic Antiseptic Non-Irritating, Non-Toxic"; (Booklet) "Germicide, Antiseptic Phenol Coefficient—110."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was not an antiseptic or a germicide and did not possess a phenol coefficient of 110.

Misbranding, Section 502 (a), the designation "Pyo-Gon" was false and misleading since it represented and suggested and created in the mind of the reader the impression that the article would be effective for the treatment of pus conditions, whereas it would not be effective for such purposes; and the label statement "Iodophenols No Free Phenol" was false and misleading since the article contained no iodophenol, but did contain free phenol.

DISPOSITION: August 30, 1946. No claimant having appeared, judgment was entered and the product was ordered destroyed.

1978. Adulteration and misbranding of tooth powder. U. S. v. 34 Cans of Tooth Powder. Default decree of condemnation and destruction. (F. D. C. No. 20290. Sample No. 38660-H.)

LIBEL FILED: June 21, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 11, 1945, by the International Pyorrhea Corporation of Illinois, from Chicago, Ill.

PRODUCT: 34 cans of *tooth powder* at Milwaukee, Wis. Examination showed that the product consisted essentially of salt, sodium bicarbonate, borax, bismuth trioxide, starch, methyl salicylate, and oil of cloves. Examination showed also that the article was not germicidal and antiseptic.

LABEL, IN PART: "Zipco, Prevents Pyorrhea * * * Germicidal and Antiseptic."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess.

Misbranding, Section 502 (a), the label statements, "Prevent Pyorrhea * * * Heals Abrasions of the Gums * * * Hardens Soft Gums and Stops Bleeding * * * Germicidal and Antiseptic * * * If the powder causes pain or discomfort, it proves that infection is present," were false and misleading. The product would not be effective to accomplish the results stated and implied. Further misbranding, Section 502 (b) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1979. Adulteration and misbranding of prophylactics. U. S. v. 151 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 17889. Sample No. 23294-H.)

LIBEL FILED: October 12, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about June 6, 1945, by the William Nesbit Co., from Pittsburgh, Pa.

PRODUCT: 151 gross of rubber *prophylactics* at Little Rock, Ark. Examination of 108 samples showed that 5.6 percent were defective in that they contained holes.

LABEL, IN PART: "Silverlatex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: November 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS***DRUGS FOR HUMAN USE**

1980. Action to restrain interstate shipment of Dr. Paddock's Medicines. U. S. v. Edward E. Paddock. Permanent injunction granted. (Inj. No. 131.)

COMPLAINT FILED: On or about May 29, 1946, Western District of Missouri, against Edward E. Paddock, a physician, Kansas City, Mo. It was alleged in the complaint that the defendant had been engaged since 1932 in the business of distributing through the mails in interstate commerce various drugs known as *Dr. Paddock's Medicines*, consisting of yellow-coated tablets containing as active ingredients $3\frac{1}{2}$ grains of extract of oxgall and 5 grains of sodium salicylate, blue-coated tablets containing as an active ingredient 5 grains of sodium succinate, and brown-coated laxative tablets containing 5 grains of cascara sagrada. It was also alleged that in order to inform purchasers of the uses of the drugs and to facilitate their sale, the defendant caused to be printed a booklet entitled "The Gall Bladder and Liver"; leaflets entitled "Appreciation" and "Heartfelt Gratitude"; a pamphlet entitled "Special Diet Directions"; form letters designated "Dear Friend," "Dear Reader," and "Dear Sufferer"; and combination order and report blanks requesting information as to age, weight, history, and physical condition of a person ordering the drugs, and bearing on the reverse side "Some Anatomical Explanations." It was further alleged that the literature and the drugs were distributed by the defendant by means of advertisements in newspapers; that in response to inquiries from the readers of the advertisements, the defendant would mail the literature and solicit orders for his drugs; and that by reason of these facts the literature constituted labeling accompanying the drugs.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the drugs were false and misleading in that they represented and suggested that the drugs, when used singly or in combination, together with the diets outlined in the pamphlet entitled "Special Diet Directions" would be a competent and palliative and symptomatic treatment for all gall bladder conditions; that the drugs would be efficacious in the cure, mitigation, treatment, and prevention of gallstones and an irritable and over-excited nervous system due to gall bladder trouble; that the drugs would insure that the user would obtain the greatest measure of relief possible; that the drugs would treat successfully partial obstruction of the bile flow; and that the drugs constituted a palliative and symptomatic treatment which would aid nature. The drugs, when used singly or in combination, with or without the diets outlined in the above pamphlet would not be a competent and palliative and symptomatic treatment for all gall bladder conditions; and the drugs would not be efficacious for the purposes represented.

Further misbranding, Section 502 (a), certain additional statements in the labeling were misleading since they created the impression that the drugs would cause no harm and could be used with safety to all; that the user could compare his symptoms before and after treatment to tell whether or not he was improving; that the user might safely temporize with gall bladder disorders and gallstones; that partial obstruction of the bile flow may be treated by the drugs; and that the drugs might be used safely and effectively without an accurate diagnosis. The drugs could cause harm and could not be used with safety by all, in that they contained a laxative and should not be used in the presence of symptoms of appendicitis; that the use of the drugs might cause dependence upon laxatives; that the drugs contained oxgall, and in cases of partial obstruction of the bile flow the drugs might increase the bile flow to such an extent that obstruction might become complete, causing pain, possible destruction of the liver, and even death; that the user could not compare symptoms before and after treatment and tell whether or not he was improving, for gallstones may be present and dangerous without causing painful symptoms; that the user might not safely temporize with gall bladder disorders or gallstones, for an emergency operation may be necessary in such conditions; and that the drugs could not safely and effectively be used without an accurate diagnosis, for such use might result in delaying proper treatment and might lead to unnecessary suffering and possible death.

PRAYER OF COMPLAINT: That a temporary restraining order issue followed by a temporary injunction, and that, after due proceedings, a permanent injunction

*See also Nos. 1953, 1955, 1957, 1961, 1968-1970, 1977-1979.